

February 18, 2022

Dear Senate Committee Members,

As a Construction Equipment Dealership that has operated in the state of Connecticut for more than 75 years we want to express our opposition to Senate Bill 121. However, please understand that we fully support the customer's "right to repair".

The resources that a customer needs to diagnose or repair their equipment are already available. This includes but is not limited to technical manuals, diagnostic procedures, tools, parts, schematics as well as electronic service capabilities. Customers can – and do – diagnose and make their own repairs today with the tools and parts made available in the marketplace. We have a significant amount of our customers who do their own repairs today.

The issue is that S.B. 121 goes well beyond this and it goes well beyond what is required of the auto industry. This raises concerns of many unintended consequences:

User Safety: This is the biggest concern. Allowing open access to the code creates a tremendous safety concern. Improperly modifying the software on a machine could potentially cause customers, equipment dealership employees or other individuals to be injured or killed. These pieces of machinery are very sophisticated and safety is the number one concern of equipment dealerships. The dealerships spend significant dollars on training and tooling to keep equipment running in a safe manner. The dealerships do not have open access to the manufacturer's software – nor do they need it. Giving this access to customers/others creates tremendous safety hazards and puts lives at risk.

Environmental/Emissions: Allowing open access to the code will lead to machines having their emissions systems overridden. This would allow customers to generate more horsepower from the machine while no longer meeting the state and federal emissions standards. This would put us back into the 20th century in regards to emissions output from these pieces of equipment.

Please note – equipment dealers cannot access this code currently without direct OEM involvement due to the mandatory, base level safeguards under the U.S. Clean Air Act.

Undermining our Business: We employ over 100 people in the State of Connecticut and have made large investments in real estate, parts inventories, training, tools, service trucks to ensure customers can remain up and running. The way it is

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currently written - S.B. 121 would require sale of parts to customers at what appears to be dealer net pricing. The impact on Equipment Dealerships would be devastating which I assume is not the intended consequence of this bill.

To be very clear – we do fully support our customers' ability to repair their equipment. We actually package part kits, technical information and other supporting resources to help these do-it-yourself customers safely make their own repairs. However we do not support unauthorized and unsafe modification due to reasons listed above. We ask you to vote no on S.B. 121.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Mitchell", with a long, sweeping horizontal line extending to the right.

Jeff Mitchell
President